



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
NOVEMBER 2 and 3, 2010**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on November 2 and 3, 2010.

TUESDAY, NOVEMBER 2, 2010—9:00 A.M.

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| (1) | S178914 | Cassell v. Superior Court of Los Angeles County (Wasserman, Comden, Casselman & Pearson, L.L.P., et al., Real Parties in Interest) |
| (2) | S175356 | People v. Martin (Louis Lambert) |
| (3) | S180365 | In re Enforcement Against Dana Point Safe Harbor Collective of City of Dana Point City Council Subpoena |

1:30 P.M.

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| (4) | S081479 | People v. Moore (Ronald Wayne) [Automatic Appeal] |
| (5) | S085193 | People v. Nelson (Bernard Albert) [Automatic Appeal] |

WEDNESDAY, NOVEMBER 3, 2010—9:00 A.M.

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| (6) | S171845 | Kwikset Corp. et al. v. Superior Court of Orange County (James Benson et al., Real Parties in Interest) |
| (7) | S167531 | People v. Soto (Jaime Vargas) |
| (8) | S172377 | International Assn. of Fire Fighters Local 188 v. Public Employment Relations Board (City of Richmond, Real Party in Interest) |

1:30 P.M.

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| (9) | S083899 | People v. Booker (Richard Lonnie) [Automatic Appeal] |
| (10) | S056364 | People v. Jones (Albert) [Automatic Appeal] |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
NOVEMBER 2 and 3, 2010**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, NOVEMBER 2, 2010—9:00 A.M.

(1) Cassell v. Superior Court of Los Angeles County (Wasserman, Comden, Casselman & Pearson, L.L.P., et al., Real Parties in Interest) S178914

#10-10 Cassell v. Superior Court of Los Angeles County (Wasserman, Comden, Casselman & Pearson, L.L.P., et al., Real Parties in Interest), S178914. (B215215; 179 Cal.App.4th 152; Superior Court of Los Angeles County; LC070478.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Are the private conversations of an attorney and client for the purpose of mediation entitled to confidentiality under Evidence Code sections 1115 through 1128? (2) Is an attorney a “participant” in a mediation such that communications between the attorney and his or her client for purposes of mediation must remain confidential under Evidence Code sections 1119, subdivision (c) and 1122, subdivision (a)(2)?

(2) People v. Martin (Louis Lambert), S175356

#09-68 People v. Martin (Louis Lambert), S175356. (E046579; 175 Cal.App.4th 1252; Superior Court of San Bernardino County; FSB803105.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Can factors underlying a charged criminal offense that is dismissed as part of a plea bargain be considered in setting conditions of probation if the plea agreement did not include a *Harvey* waiver (*People v. Harvey* (1979) 25 Cal.3d 754) permitting the dismissed count to be considered in determining the sentence to be imposed?

(3) *In re Enforcement Against Dana Point Safe Harbor Collective of City of Dana Point City Council Subpoena, S180365*

#10-26 In re Enforcement Against Dana Point Safe Harbor Collective of City of Dana Point City Council Subpoena, S180365. (G042878; nonpublished order; Superior Court of Orange County; 30-2009-00298200.) Petition for review after the Court of Appeal deemed notice of appeal to be a petition for extraordinary writ. This case presents the following issue: Is an order compelling compliance with a legislative subpoena issued under Government Code section 37104 appealable as a final judgment?

1:30 P.M.

(4) *People v. Moore (Ronald Wayne), S081479* [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(5) *People v. Nelson (Bernard Albert), S085193* [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, NOVEMBER 3, 2010—9:00 A.M.

(6) *Kwikset Corp. et al. v. Superior Court of Orange County (James Benson et al., Real Parties in Interest), S171845*

#09-29 Kwikset Corp. et al. v. Superior Court of Orange County (James Benson et al., Real Parties in Interest), S171845. (G040675; 171 Cal.App.4th 645; Superior Court of Orange County; 00CC1275.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issue: Does a plaintiff's allegation that he purchased a product in reliance on the product label's misrepresentation about a characteristic of the product satisfy the requirement for standing under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) that the plaintiff allege a loss of money or property, or is such a plaintiff unable to allege the required loss of money or property because he obtained the benefit of his bargain by receiving the product in exchange for the payment?

(7) *People v. Soto (Jaime Vargas), S167531*

#08-174 People v. Soto (Jaime Vargas), S167531. (H030475; nonpublished opinion; Superior Court of Santa Clara County; EE504317.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the

following issue: Is the victim's consent a defense to a charge of committing lewd acts with a child under 14 years of age by "use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury" (Pen. Code, § 288, subd. (b))?

(8) *International Assn. of Fire Fighters Local 188 v. Public Employment Relations Board (City of Richmond, Real Party in Interest)*, S172377

#09-34 International Assn. of Fire Fighters Local 188 v. Public Employment Relations Board (City of Richmond, Real Party in Interest), S172377. (A114959; 172 Cal.App.4th 265; Superior Court of Contra Costa County; N050232.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Is the decision by the Public Employment Relations Board not to issue an unfair labor practices complaint under the Meyers-Milius-Brown Act (Gov. Code, § 3500 et seq.) subject to judicial review? (2) Is a decision to lay off firefighters for fiscal reasons a matter that is subject to collective bargaining under the act?

1:30 P.M.

(9) *People v. Booker (Richard Lonnie)*, S083899 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(10) *People v. Jones (Albert)*, S056364 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.